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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,627	12/07/2000	Carl Phillip Gusler	AUS920000826US1	1065

7590

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Robert V. Wilder  
Attorney at Law  
4235 Kingsburg Drive  
Round Rock, TX 78681

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/731,627

Applicant(s)

GUSLER ET AL.

Examiner

Mary Cheung

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-- Th MAILING DATE f this communication appears on the cover sheet with the correspond nce address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 3/1/2001 are missing from the file. Re-submission of any item of information contained in this information disclosure statement is requested.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 9-10, 12 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Cross, U. S. Patent 6,144,726.

As to claim 1, Cross teaches a method for processing user disapproval of charge account transaction, said method comprising (column 2 line 59 – column 3 line 5):

a) Presenting a charge account report to a user on a user display device, said charge account report including a listing of charge transactions which have occurred relative to said charge account (column 2 line 59 – column 3 line 5 and column 5 line 57 – column 6 line 18 and Figs. 1, 4);

- b) Enabling said user to provide user input to selectively indicate disapprovals with regard to selected ones of said transactions which are not approved by said user (column 2 line 59 – column 3 line 5 and column 11 lines 1-14 and Figs. 4-7);
- c) Processing said disapprovals in response to said user input (column 2 line 59 – column 3 line 5 and column 11 lines 1-14 and Figs. 4-7).

As to claim 2, Cross teaches said charge account report is transmitted from an account server site to said user display device, and said disapprovals are selectively transmitted from said user display device back to said account server site for said processing (Fig. 1).

As to claim 4, Cross teaches said charge account report is made available to said user at an account server site through a network connection (Fig. 1).

Claims 9-10, 12 and 17 are rejected for the similar reasons as claims 1-2 and 4.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

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commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3, 5-8, 11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross, U. S. Patent 6,144,726 in view of Bartoli et al., U. S. Patent 6,047,268.

As to claim 3, Cross teaches said account server device is operable in response to receipt of said disapprovals (Fig. 1). Cross does not specifically teach to return an acknowledgement to said user to acknowledge receipt of said disapprovals. However, Bartoli teaches return acknowledgement to the user to acknowledge receipt of (Fig. 2B). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature of sending acknowledgment to the user for acknowledging information has been received from the user because it would allow the user to know the information has been properly sent to the server.

As to claims 5-7, Cross teaches said charge account report is uploaded from server (Fig. 1). Cross does not specifically teach the charge account report is transmitted via email. However, Bartoli teaches transmitting account report via email (column 8 lines 7-12 and Fig. 2A-2B). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature of transmitted account report via email because it would allow the account information to be fast transmitted between user and server. Furthermore to claim 7, the method of Cross modified by Bartoli does not specifically teach the account report is embodied as an attachment. It

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would have been obvious to one of ordinary skill in the art to allow the report to be send as an attachment to the user so that the email message and the attachment would be separated so that user can easily review the account report.

As to claim 8, Cross does not specifically teach said charge account report is encrypted prior to sending said email, and being decrypted by said user after receiving it. However, Bartoli teaches encrypting email before sending and decrypting after it received (Fig. 2B). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature of encrypting email before sending and decrypting after it received so that the information can be safely transmitted between user and server.

Claims 11 and 13-16 are rejected for the similar reasons as claims 3 and 5-8.

### ***Double Patenting***

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of

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copending Application No. 09/731,649. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claims a charge account report displays to the user, and user selects certain items from the display.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bissonette et al. (U. S. Patent 6,343,279) discloses a system reconciles the transactions recorded by the bank with those recorded in the financial system and updates budget, plan, project, and ledger entries accordingly, the system also allows cardholders to identify disputes and track the correspondence with the card issuer over the dispute.

Guzelsu (U. S. Patent 6,381,587) discloses the vendor sends an invoice of charges associated with the approved requests which is compared with the associated billing items for the approved requests.

Adams (EP 0 485 090 A2) discloses a transaction approval system has a transaction limit stored in a terminal where it can be dynamically adjusted to vary the level of risk at the terminal to be closer to the desired level of risk.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687      (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619      (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
January 10, 2003

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600